

Image

AF/1638



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RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1638

PATENT  
2185-0156P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: BOYNTON, John E. et al. Conf.: 2008  
Appl. No.: 09/331,723 Group: 1638  
Filed: August 18, 1999 Examiner: Mehta, A.D.  
For: METHOD OF CONFERRING PPO-INHIBITING  
HERBICIDE RESISTANCE TO PLANTS BY GENE  
MANIPULATION

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 19, 2004  
(Monday)

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated October 17, 2003 of the Primary Examiner finally rejecting claims 1,2,4, 6, 7, 10-16, 18, 20-24 and 43-47.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of ( ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$950.00 is required for the full period of the above-requested extension of time.

An extension of ( ) month(s) for responding to the Final Rejection was previously requested and paid for on \_\_\_\_\_. Thus a fee of \$0.00 is required to obtain an

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additional \_\_\_\_\_ ( ) month(s) for filing the Notice of Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$330.00

☐ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1280.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$1,280.00 is/are enclosed.

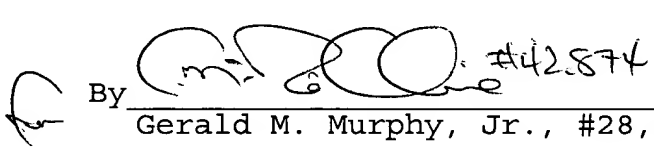
☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #42,874  
Gerald M. Murphy, Jr., #28,977

GMM/CAM:bmp  
2185-0156P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

(Rev. 02/12/2004)